

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

MAY 29 2020

Clerk, U.S. District Court
District Of Montana
Missoula

LIONEL SCOTT ELLISON,

CV 17-168-BLG-DLC-TJC

Petitioner,

vs.

ORDER


MICHAEL FLETCHER,

Respondent.

Before the Court is Petitioner Lionel Scott Ellison's motion entitled Petitioner's Judicial Notice Requesting COA for Court Habeas Ruling to Scotus/Ninth Circuit Jurisprudence and Adverse to the Petitioner's Actual Innocence Claim and Others. (Doc. 36.) In his request for a COA, Ellison attempts to relitigate whether the denial of his habeas petition warrants a certificate of appealability. United States Magistrate Judge Timothy J. Cavan reviewed the merits of Ellison's case and determined it did not warrant a certificate of appealability. (Doc. 28 at 18.) Reviewing de novo, this Court determined the same. (Doc. 32 at 5-6.) Ellison subsequently appealed to the Ninth Circuit, which also denied his request. (Doc. 38.) Besides being procedurally improper, Ellison's request mischaracterizes the Court's decision and rehashes arguments already rejected.

IT IS ORDERED that Ellison's motion (Doc. 36) is DENIED.

DATED this 29th day of May, 2020.



Dana L. Christensen, District Judge
United States District Court